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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,478	01/09/2002	Jang-Kun Song	61920224AA	2894

7590

10/23/2003

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 10/23/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040478

Applicant(s)

Song

Examiner

D. Loney

Group Art Unit

1772

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on July 2, 2003
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-18 is/are pending in the application.
- ☐ Of the above claim(s) 9-18 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-8 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some ☒ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicant's election with traverse of Group I in Paper No. 3 is acknowledged.

The traversal is on the ground(s) that the claims are sufficiently related that a search for group I would encompass a search for the remaining Groups. This is not found persuasive because the Groups have different classification and would therefore require different fields to search as indicated in the Restriction requirement mailed June 2, 2003.

The requirement is still deemed proper and is therefore made FINAL.

2. Figures 1A-1D should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 2 there is no direct antecedent basis for "the photo sensitive film. It appears this claim was intended to depend from either claims 4 or 5 since they are the preceding claims that refer to the photosensitive layer. Clarification is kindly requested.

In claim 8, line 3, "each color filter is reacted, however, claim 1, from which this claim depends only recites a color filter. Clarification is kindly requested since the first

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and second portion can be considered the same, or two sections of the first portion can be considered the first and second portion. The examiner will attempt to apply art as to either alternative in the below 35 U.S.C. 102 b1 rejection.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et al.

Kim et al discloses a color filter wherein the black matrix (115a) is forward within a groove of the conductive layer (107) that is over the color filters (103 P, 103G, 103B). Refer to Fig. Nos. 10c and 14c along with the corresponding test there to. Claim 8 is included in this rejection since it is unclear as to where the first and second portions are (see 35 USC 112 rejection above). From Fig. Nos. 10C or 14c matrix 115a can be considered the first portion while matrix 115b can be considered the second portion.

7. Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka et al.

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Tanaka et al teaches a photosensitive resin black matrix (204, 304) located within the groove of a conductive layer (203, 313) that covers the color filter (205, 206, 207, 308). Refer to Fig. Nos. 2E and 3. Fig. No. 3 shows the organic film (314) upon the matrix. Claim 8 has been included in this rejection since the prior art shows at least two matrix sections, which can be considered the first and second portions since it is unclear as to exactly what is meant by this, see 35 U.S.C 112 rejection above.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al in view of the applicants discussion of the prior art on pages 1 and 2 of the Specification.

Tanaka et al teaches the invention substantially as recited except for the double layer metal matrix, photosensitive layer and second conductive layer.

The applicants discussion of the prior art teaches that the double metal layer (i.e. chrome oxide and chrome) is a known structure for the black matrix and it appears the applicants invention is in positioning the matrix above the conductive layer versus underneath there of as done in the prior art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Tanaka et al to form the matrix layer of a double layer, as is taught in the prior art, since Tanaka et al teaches a matrix layer located in

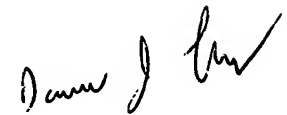
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the same positions as recited by the applicant. To substitute one matrix for another would be obvious motivated by the fact they perform the same function at the same locations.

Any inquiry concerning this communication should be directed to D. Loney at telephone number 703-308-2416.

D. Loney/lap

October 14, 2003

A handwritten signature in black ink, appearing to read "Donald J. Loney", with a stylized flourish at the end.

DONALD J. LONEY
PRIMARY EXAMINER